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Pamela J. Sherwood, Ph.D.
BOZICEVIC, FIELD & FRANCIS, LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

In re Application of :
Dedhar, S. :Decision on Petition
Serial No.: 09/998,250 :
Filed : 30 November 2001 :
Attorney Docket No.: KINE-001CIP5 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 21 December 2006 to requests reconsideration of the restriction requirement mailed 24 February 2003. The delay in acting upon this petition is regretted. It is noted that applicants filed an Appeal Brief on 21 December 2006, concurrent with the filing of this petition.

37 CFR 1.144 states in part, with emphasis added: "... Petition may be deferred until after final action on or allowance of claims to the invention elected, **but must be filed not later than appeal**....."

Accordingly, the petition filed under 37 CFR 1.144 is **DISMISSED** as untimely.

The application will be forwarded to the Examiner to consider the Appeal Brief filed 21 December 2006.

Should there be any questions regarding this decision, please Quality Assurance Specialist/Program Manager Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Bruce Kishiuk
Director, Technology Center 1600